

HOUSE
RESEARCH

ORGANIZATION bill analysis

5/19/89

HB 1458
Guerrero

(CSHB 1458 by Junell)

SUBJECT: State groundwater protection

COMMITTEE: Natural Resources: committee substitute recommended

VOTE: 7 ayes--T. Smith, Culberson, Holzheuser, Junell,
Swift, Wentworth, Yost

0 nays

0 present, not voting

2 absent--Willy, Collazo

WITNESSES: For--Ken Kramer, Sierra Club; R. Kinnan Goleman, Brown,
Maroney and Oaks Hartline; Catherine Perrine, League of
Women Voters. (Registering in support but not
testifying -- Lisa K. Anderson, Brown, Maroney and Oaks
Hartline)

Against--On the original version: Gary Walker,
Panhandle GWCD #3. (Registering in opposition to the
original version but not testifying -- Eph Cummings,
Coke County UWCD; Gerry Robertson, Sterling County
UWCD; Mark Hoelscher, Martin County UWCD; Richard
Bowers, North Plains UWCD #2; Ricky Harston, Glasscock
County UWCD)

On--Jon Fisher and Ray Schaefer, Texas Chemical
Council; Wayne Wyatt, High Plains UWCD #2

DIGEST: HB 1458 would establish as state policy that usable
and potentially usable groundwater be protected and
maintained and kept reasonably free of contaminants and
that the existing quality of groundwater not be
degraded. The goal of nondegradation would not mean
zero-contaminant discharge. It would be the policy of
the state that discharges of pollutants and wastes not
impair uses of groundwater or pose a public health
hazard and that the quality of groundwater be restored
if feasible.

The bill would amend sec. 26, Water Code, by creating
the Texas Groundwater Protection Committee, an
interagency committee to coordinate state agency
actions for the protection of groundwater quality. The
Texas Water Commission (TWC) would be the lead agency
for the committee and would administer its activities.

HB 1458
House Research Organization
page 2

The committee would consist of the executive directors of the TWC, the Texas Railroad Commission, and the State Soil and Water Conservation Board, the executive administrator of the Texas Water Development Board, the commissioner of health of the Texas Department of Health, the deputy commissioner of the Department of Agriculture, and a representative selected by the Texas Groundwater Management Districts Association. Each agency represented on the committee would provide staff as necessary to assist it in carrying out its responsibilities.

The committee would be required to develop and update a comprehensive groundwater protection strategy for the state, coordinating the groundwater protection activities of the agencies represented on the committee. It would also be required to study and recommend to the legislature groundwater protection programs for each area where groundwater is not protected under current regulation.

The committee would also be required to develop plans for protecting and enhancing water quality pursuant to federal statute, regulation, or policy. Management plans for the prevention of water pollution by agricultural chemicals and agents would have to be included.

The committee would be required to publish a report by April 1 of each year covering its activities and findings. The report would have to include a description of each documented case of groundwater contamination for which enforcement action was incomplete at the time of issuance of the preceding year's report.

Public files would be maintained on all cases of groundwater contamination suspected of having been caused by activities regulated by the following agencies: the TWC, the Water Well Drillers Board, the Texas Department of Health, the Railroad Commission, the Department of Agriculture, and the State Soil and Water Conservation Board.

The committee would meet once each calendar quarter. Meetings would be subject to the Administrative Procedure and Texas Register Act, the Open Meetings Act, and the Open Records Act.

HB 1458
House Research Organization
page 3

SUPPORTERS
SAY:

The groundwater protection policy statement contained in this bill is a consensus worked out by all parties involved: industry, agriculture, and the TWC. It refines work that has taken place up to this date and would send a strong signal to the U.S. Environmental Protection Agency that Texas is serious in its efforts to cope with the demands on a vital resource.

The existing committee would be expanded to encompass all agencies whose work touches on groundwater resource. The membership is shifted to the highest levels of these agencies, so that their work and their decisions carry the greatest weight possible.

Establishing easily accessible files on groundwater problems will facilitate the public's understanding of the problems the state faces. At present, it is very difficult for an individual to gain access to information. They must go from office to office within an agency, perhaps even to different cities, in order to gather the information to which they have a right.

OPPONENTS
SAY:

The policy goals set forth in the original version of the bill are preferable. Nondegradation of groundwater, as called for in the committee substitute, is ultimately unachievable because human activity will always lead to waste discharges of some sort. The policy goal of restoring groundwater quality should be stated in more specific terms.

OTHER
OPPONENTS
SAY:

The requirements of this bill would impose additional personnel and paperwork requirements on the agencies involved, costing the Texas taxpayer. The committee's interagency coordinating activities work well enough without additional regulations.

NOTES:

The committee substitute expands the membership of the committee to include the director of the State Soil and Water Conservation Board and a member selected by the Texas Groundwater Management District Associations. A section requiring the committee to develop plans for the protection and enhancement of water quality pursuant to federal statute, regulation and policy was added. The language regarding policy goals was clarified.

The companion bill, SB 1466 by Santiesteban, was reported favorably by the Senate Natural Resources Committee on April 26.